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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/17/01	06/20/01	THOMAS	1-2006

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090270520

**EXAMINER**

MULVENI, T

ART UNIT	PAPER NUMBER
3726	12

DATE MAILED: 05/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks****BEST AVAILABLE COPY**

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## **DETAILED ACTION**

### *Reopening of Prosecution After Appeal*

1. In view of the appeal brief filed on 2/12/01, PROSECUTION IS HEREBY REOPENED.

New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. **Claims 1, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (as set forth on pages 1 & 2, and lines 1-5 on page 3 of the instant specification; AAPA) in view of Medley (US 3,892,939) and O'Brien (US 2,197,982).**

AAPA teaches that it is known to manufacture a security door wherein the security door comprises a plurality of tubular upright stile members, a plurality of tubular upper and lower transverse rail members extending between the stile members, and a plurality of bar members defined between the stile and rail members. These members are being secured together to form a complete security door by means of arc welding. AAPA teaches the claimed invention but does not teach 1) securing the members together by spot welding instead of arc welding, 2) forming receiving openings and/or projecting flanges on the stile and rail members so that the bar members can be secured thereon.

As shown in Figures 1-3, Medley teaches 1) a process of resistance/spot welding an end bar (12, which is equivalent to the security bars as claimed) to a longitudinal member (18, which is equivalent to either the stile members or the rail members as claimed) to form a metal grating (which is equivalent to the security door as claimed). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Medley's welding technique to secure/join the stile, the rail, and the bar members together, since to do so would merely replace one old and well known welding method, i.e. arc welding, with another art equivalent old and well known welding method, i.e. resistance/spot welding.

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As shown in Figures 5-7, O'Brien teaches 2) a method of securing, by welding, a plurality of tubular members (9, which is equivalent to the security bars as claimed) to another structural members (4, 13, 17, 19, which is equivalent to either the stile members or the rail members as claimed) by providing receiving openings and inwardly projecting flanges (5, 14, 18) on the structural members wherein the tubular members are inserted in the openings as well as resided on the flanges. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of openings and flanges on the stile and rail members, in a similar manner as taught in O'Brien, in order to promote a better bonding between members.

4. **Claims 4, 5, 11, 14, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 2, 7 and 13 above, and further in view of Stern (US 5,018,263).

**The references as applied to claims 2, 7 and 13 above,** teach the above limitations except for the steps of "punching", "cutting", "rolling", "crimping", and "bending" a sheet metal strip to form mitered corners between the frame members.

Stern teaches a method for making such mitered corners by "punching", "cutting", "rolling", "crimping", and "bending" a sheet metal strip (10) as shown in Figures 1-9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reshape a metal strip into mitered corners by performing those steps as taught in Stern, in order to

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provide a more efficient manufacturing steps in which a quality frame member can be manufactured at a low cost.

**5. Claims 6, 12, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 5, 11, and 15 above, and further in view of Janotik et al. (US 5,549,352).

**The references as applied to claims 5, 11, and 15 above**, teach the above limitations except for providing an access opening within the frame members so that the spot welding tool can be inserted therein to weld the members together.

**Janotik et al.** teach a method of constructing a frame member where access opening for the spot welding tool is provided. It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct an access opening within the frame members, as taught in **Janotik et al.**, in order to allow the insertion of the spot welding tool.

With respect to claim 16, whether the steps for "inserting" and "withdrawing" internal spot welding electrodes are conducted in a particular order such as prior to or after is a matter of design choice wherein no stated problem is solved, or any new or unexpected result achieved, and it appears that the invention would perform equally well with the internal spot welding electrodes conducted in any order.

With respect to claims 6 and 12, the steps "inserting internal spot welding tips..."; "bringing external spot welding tips...", and "passing electric currents between said internal and said external spot welding tips...", as such, are inherent steps within **Janotik et al.**'s method, since

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these steps are the necessary steps that one must carry out when performing a spot welding technique.

*Allowable Subject Matter*

6. **Claims 3, and 8-10** are allowed.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form PTO-892 encloses herewith.

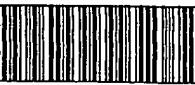
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Nguyen whose telephone number is (703) 306-9082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

ttn

May 17, 2001

*Trinh Nguyen*  
*Art 3726*

<b>Office Action Summary</b>	Application No. <b>09/325,311</b>	Applicant(s) <b>Shoup</b>		
	Examiner <b>Trinh Nguyen</b>	Art Unit <b>3726</b>		
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --				
<b>Period for Reply</b> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>				
<b>Status</b> <p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Feb 12, 2001</u></p> <p>2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>				
<b>Disposition of Claims</b> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-17</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-17</u> is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>				
<b>Application Papers</b> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>				
<b>Priority under 35 U.S.C. § 119</b> <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> <p>*See the attached detailed Office action for a list of the certified copies not received.</p> <p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>				
<b>Attachment(s)</b> <p>15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</p> <p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>20) <input type="checkbox"/> Other: _____</p>				